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Ziarra, or visiting day. Early in the morning of that day the attendants unfurl the saint's flag, if he has one, and process with it, followed by the people, to the door of the shrine. Here the people dance and hold a fair, while many go in and put their requests to the saint, firing a salute outside the door and paying a present in money or in kind to the head Sheikh. Once inside, they kneel by the tomb and whisper their requests to it, saluting the tomb with a kiss. They then leave and are entertained with a cup of coffee-husk tea at the door or in the outer court.

Such shrines have another value to the community—they are the only form of poor-relief in the land. Poor travellers will always stop at saints' shrines for the night, and they are never refused entertainment. When travelling in the country oneself it is often a good thing, for this reason, to give a present to the local saint rather than to a petty Chief, and I frequently did so. The political effect is good, and one avoids causing the jealousy among petty Chiefs which is so frequently occasioned by the passage of a political officer.

In the Mushreq there is a class of men who are hereditary and appointed judges. They are probably the remnants of the legal system of one or other of the ancient kingdoms, and, by their situation, I should say of Ma'an. The Chief of these is the hereditary judge or Manqad (plural, Manaqid). The derivation of the word is from the root NQD, meaning "to pick out or investigate." He is elected from a certain family. The family itself has great influence in local public affairs, but only its elected head styles himself a Manqad, and he has the title of Manqad Al Manaqid, or "Judge of Judges." Once elected he himself, without consulting anyone, appoints four or five other Manqads. He does not appoint them from his own family, but from outside, and his choice is not limited to any class or tribe. One, recently appointed, was from the Dha'if class, who are not aristocrats and whom I shall presently describe. These men are known as Manqads and perform the duties of a final court of appeal. Their judgments are given according to the widest possible code, which they describe as "Asharia, Al 'Ada and Al Haq," or "The Holy Law, tribal custom and the Right." Once having put his case to a Manqad, no tribesman would either withdraw it or refuse to abide by the Manqad's decision. To do so would be to forfeit his tribal honour by committing a great shame. Consequently their judgments in disputes are only sought when all other courts have failed.

When a Chief Manqad dies and a new one is elected by the family, the appointments of all other Manqads is suspended until they are confirmed by the new Chief Manqad.

Manqads dress as poor men. They do not carry arms, and behave with great humility. They are treated by the tribesmen and the Chiefs with great respect. There is little doubt as to which part of their code they prefer: it is Al 'Ada, or tribal custom, and they have a fund of ancient folklore which should not be neglected by the anthropologists. They will do everything they can to maintain custom among the tribes, even when to do so is not to their own personal advantage. Recently one of them discovered that a guest of his, whom he had just entertained for a few days in his house, had previously committed a flagrant breach of

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tribal customs. He at once took out of his house everything this guest had touched—carpets, matting, blankets, cooking-pots and the like—and burnt or destroyed it all. His action in so doing was so deeply felt by the guest's own family that they shot him within the week. Had any Chief chosen a similar way of showing his disapproval it is doubtful if the guest's family would have looked upon the matter with such concern and would probably have accused the Chief of insulting them.

This completes the upper classes in the community, the Chiefs and tribesmen and the holy men of various types. The picture, then, is of a community ruled over by three types of Chief, split into smaller tribes each ruled by its headman, and again split into villages under a village headman. Among them move the Seyyids, descendants of the Prophet Muhammad, and the descendants of saints, the servants of Prophets' tombs and of the abodes of Jinns, each electing their own headman within their own families and all, in a varying degree, landowners or tithe-owners.

We now come to the landless classes. These have been in the past incorrectly grouped under one heading as Raya, or peasants. We will therefore take the true Raya class first. It is small and is composed of those men who farm land not as tenants but as paid farm-hands. The Scottish "grieve" is an example. They have no land or houses of their own, the produce of the land belongs entirely to the landowners, who give the Raya pay for their labour in cash and kind. The landowner is often a distant saint or Prophet. Thus, for example, a saint may, by ancient custom, receive a tenth of the crop on a tribesman's land, but from his own land he receives all, and the Chief of the Holy Sheikhs will remit a certain amount in return for the peasant's labour. This distinction has frequently led to misunderstandings when political officers have investigated accusations of robbery against Chiefs. It frequently occurs that one farmer is paying the tenth allowed by the holy law to a Chief, while the other next door is paying, say, 70 per cent. On the surface it seems very unequal treatment, but it will usually be found that the first farmer is farming his own land and paying taxes, while the other is of the Raya class, farming the Chief's own land and receiving pay.

Where districts have retrogressed through loss of control on the part of the Chief, the greatest care is needed when one is setting up control again to see that the tribesmen are confirmed in their lands and that the Raya do not suddenly pretend that they are tribesmen, in an endeavour to secure land which is not theirs, and that Raya do not change service against their will during the settlement of land disputes. Although a small class they are an important one, and few officials have given sufficient study to their social position.

Their origin is a puzzle. They are of the same race as the tribesmen and can bear arms. They are probably descended from remnants of tribal sections who have lost their land in war or who have been compelled to sell it.

Very similar to these Raya are the agriculturists of the Dha'if class. The Dha'if is a large class and differs from the Raya in that they are not entirely landless peasants, but are also landless shopkeepers and artisans. Those who work as peasants are distinguished from the Raya in that they

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YEMENITE JEWS ML4

Christians, Jews and worshippers of the many local gods. There was a Christian bishopric at Najran, and a strong settlement of Jews in Jauf. The Jews survived the rise of Islam, religious affinities have attracted to them a certain amount of northern blood, but to-day there is little apparent difference physically between them and the tribesmen of the Yemen: their features are similar; the colour of the skin is only a little lighter, which may be accounted for by the Jew being less exposed to the weather.

Certain laws are imposed upon the Jews by the Arabs. Where, as in the Ja'ud tribes, there is no real Chief, the law becomes custom. They must dress in a particular kind of smock; they must wear their hair in ringlets, hanging down either side of the head in front of the ears; they must not wear a turban; they must not build houses of more than one storey in height; they must not carry arms.

The Jews are perfectly content to abide by these customs. They own no land and their only stock is chickens, but they are, comparatively, skilled artisans, jewellers and metal workers. They have a corner in such trades. Moreover, they pay only the most nominal of taxes, their houses are rent free and no man's hand is against them. To kill a Jew is a great shame, greater even than killing a woman. The Arab leaves the Jew to his religion, and he would not dream of attempting to coerce one into working on the Sabbath, however urgent the matter was. The Jews of the Yemen, therefore, live in great security. They appoint their own heads and run their own schools. Their women are unmolested, their taxes small and their profits great. Few of them, in my opinion, even wish to leave the Yemen, but are more than content to remain. In the capital of Yemen, San'a, the Imam deals with business concerning the Jews through their own head entirely and treats them with every consideration and respect, and his example is followed by his Governors and by Chiefs of the Protectorate. They are a contented, hard-working community. From enquiries I have made I would say that their numbers are fairly static and that there is little danger of a Jewish population problem arising in the near future.

These complete the list of classes and races settled in the Aden Protectorate. Time limits my description to a mere sketch, and I have confined myself to permanent settlers and not to those different types with which the political officer may at times have to concern himself. South Arabia is still a pilgrim route, and I have several times met travellers from the Persian Gulf and Oman and as far afield as Baluchistan, journeying on the hard road through the country to Mecca. I have not described the Somali or Dankali coast traders, nor the sailors.

It will, very soon, be necessary to correct the existing handbook or to publish a new official manual about the country. While there were a few political officers of long residence in the Protectorate such a manual was unnecessary. We all learnt on our own. Now not only has the political staff been increased, but Air Staff Intelligence Officers and Army Intelligence Officers are beginning to travel in the country. The country is being opened up and it is essential that officers who have to travel in it should make a close study of its people, their ancient social organization,

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YEMENMLI

The name is the name of a Sabean deity and in the absence, of histories, we may take it that the confederation is pre-Islamic in date. Apart from the name, the only other obviously pre-Islamic possession of the tribe is the sacred drum, the "Tabble an Nahas," which is kept by the Beni Qasid and which is accorded sacred honours by the tribe of Yafa' only. It is possible that before Islam the Beni Qasid were the keepers of the drum, and I am going to suggest that the present Sultans of Yafa' are in reality Priest-Chiefs, whose functions as such have ceased with the introduction of a new religion, although their hereditary position remains as heads of the people who once worshipped Yafa'.

Let us examine another confederation of tribes. About sixty miles north of Aden live the Qateibi tribe, surrounded by the confederation of the Ja'ud. At first sight the tribes here seem to be disorganized and unrelated, but careful study of dialect, of local stories, of the Qasidas or epic poems, and of such things as star lore and magical beliefs, shows that these tribes are closely allied in thought, dialect and custom and form a true confederation, the organization of which becomes clear in times of danger. Of this confederation the Qateibi are the central tribe, and their sheikhly family is the Akhram, from which the Qateibi Sheikh is elected. As was shown in 1904, a Qateibi Sheikh with a strong personality can have considerable influence on the whole confederation, but he is not expected to rule, as we understand the word, even within his own family.

With the strong 'Aulaqi Confederation we find a more complicated organization, but a similar one. Ma'an is here the central tribe, in all probability the ancient Ma'an of the inscriptions, a pre-Sabian kingdom of South Arabia. Ancient Ma'an was ruled by a "Grand Council," as we find from the inscriptions, and this system still exists to-day.

The 'Aulaqi Confederation is divided into three parts—the Upper and Lower sub-Confederations of attached tribes and the tribe of Ma'an—and each of these three is ruled by a Chief of the tribe of Ma'an, elected by Ma'an only. Again we have the sheikhly family within the central tribe, surrounded by the attached tribes of the confederation. Again the name, but this time it is the name of the central tribe, is pre-Islamic. If we look for further proof that the confederation is of pre-Islamic origin, we find an ancient legal system—that of the Manaqid, which I have already described—strongly attached to it.

We could continue to find examples of the organization from other confederations, but these three will suffice. The basis of the organization is clear: there is a central tribe containing a sheikhly family, forming the centre of a confederation of tribes.

How did such an organization evolve? How is it that Chiefs, elected according to ancient custom, are not expected to rule their electors? What is the origin of such Chiefs, and of the sheikhly families from which they come? Our answers must be mainly guesswork, but we may well begin by seeing some of the conditions under which an Imam of Sana'a is elected, for I think they point the way to our understanding of the whole problem.

The first condition is that the Imam must be whole in body. No Imam may be elected if he limps, is blind in one or both eyes, has a stammer, squints, is a leper or has any other physical disabilities. If, once

8: Hamilton G-5 (no date) 1943 MM2 Hadhramaut MM2

the flood of precision rifles which has entered the territory in the last quarter of a century. In particular, the introduction of the cheap Le Gras carbine, selling at the price of four goats, wrought untold harm. Ease of killing and the extreme danger in which most of the people now live has resulted in the breaking down of tribal custom. In a certain blood feud within the tribe of Ma'an killing by treachery became the rule some years ago on both sides of the feud. Men were killed, in direct contravention of tribal custom, when they were being escorted by the killers and by Seyyids or holy men. The breaking of tribal custom may seem a small thing to those who have not made a study of tribal life. To assess the gravity of its breach one must enquire into its purpose.

Tribal custom is a code of life and behaviour. It lays down modes of greeting, which are stereotyped verbal approaches to understanding and friendship. It lays down laws for eating and drinking and for all the functions of life. It ensures honesty in public dealing and in private relationships. It gives rules of procedure for tribal conferences, for the entertainment of visitors and the protection of fugitives, the poor and the weak. In a primitive community it is the cement with which the community is bound together. When individuals can break tribal custom without punishment the last security for the community has gone and chaos is only a matter of time. When the breach occurs in the very centre of a confederation, as it has in Ma'an, the final disintegration of the confederation as a social unit cannot be far ahead. The confederations will break naturally into warring tribes, as has happened in Dathina. The disintegration of the tribes would follow were the feuds to remain unchecked.

I have covered in the main the social organization of the tribes into their confederations and have shown the course which these confederations are following, a process of disintegration which began, no doubt, in about the third century of our era. In those districts under the rule of Suzerains social collapse has been halted by autocratic rule. This rule enforces peace by stopping the feuds and by supporting Sharia' courts, whose judgments, though often unfair, are at least upheld by the autocrat's police forces. Such tribes are, moreover, simple to deal with, as the government is vested in one man with an educated point of view. Whether or not the autocrat is essential for progress towards self-rule is a controversial matter into which it is not my province to enter.

In reply to a question as to whether the kings were killed off when they reached old age, Major Hamilton said no; they had reached a stage when nobody was sacrificed for them. In Uganda the King, when he was crowned, held a spear in his hand and two men stood with him, one the Prime Minister and the other a low-class individual. The King touched the Prime Minister with the spear, and the Prime Minister touched the other man with the spear. Before Stanley's advent, the King pricked the Prime Minister with the spear and then turned round and killed the other man. That was the sacrifice in place of himself or his father or whoever came before. As far as was known, by 700 a.c. there was no more sacrifice of kings in the Yamen, but there must have been before then.

21: Thomas T-5 (no date) MM2 Hadhramaut MM2

a sort of christening ceremony which we perform on ships with the cooler and more fragrant blood of the grape. The custom in Oman when a new house is finished is for the prospective occupant to slay a sheep on going in. He dabbles his hand in the pool of blood and smears the door-posts. This custom is also observed in the plain of the Dhufar during actual building operations. The meat is eaten by the builders themselves and the blood is smeared indiscriminately over the walls. On the completion of the house, the incomer dashes two hens' eggs on the threshold, two on the stairway and two on the upstairs doorway. This is anathema to the mountain dwellers, who in any case have no houses, but chiefly because the hen and all other bird flesh and birds' eggs are with them taboo. It would be the greatest insult to place such things as food before the non-Arabic speaking tribesman of the mountains.

LAW AND DISPUTES.

As in most tribal societies in Arabia, *hukm al hauz*, or a code of ancient sanctions, is the law. The *hauz* is a wise man of the tribe. Not infrequently his is an hereditary office, occasionally the *hauz* is the shaikh of his tribe. Shara law, i.e. holy law in Oman and elsewhere, is the law of the coastal townships. Outside them it will be resorted to in cases of matrimony, and sometimes of divorce and inheritance; in disputes or crime cases scarcely at all. That is the province of the *hauz*. The same is true of these South Arabians. The Shara or holy law is distasteful to these people and can only be imposed even along the coast by government force. Their own code varies considerably from the code of Oman or that of Hadhramaut, showing evidences of exclusive origin. They have a passionate attachment to the eye-for-an-eye idea, the need of making the punishment fit the crime. An example, told me by the Wali of Dhufar as having taken place last year is as follows: "X" was going on a journey into the "Y's" country and took a *rabia* from "Y." On arriving there the sacred law of protection was transgressed and "X" found himself wounded with a bullet through the fleshy part of his thigh. A *hauz* heard the case and decided that "Y," the innocent party but member of the offending tribe, must submit to the infliction of a similar wound as that which "X" had sustained. For this purpose a piece of stick was brought and sharpened skewer fashion. This was thrust into "Y's" leg and a bullet was threaded and drawn in its path. By local canons "X's" grievance was removed.

In Oman the abuse of the *rabia* would be followed by war between the two tribes unless the offended party agreed to the ruling of the *hauz*, when he would receive from the offenders *Lauw-al-wijh* (blame of the face), which is usually assessed at 400 dollars. Murder, which in Arab tribal societies is almost invariably settled by blood-money which varies between 400 and 1,000 dollars (or rather its equivalent in kind), in these Qara mountains is assessed prodigiously high, in theory something like 5,000 dollars, which may take a lifetime to pay off, but is most usually complicated by a vendetta. The murdered man may be poor, so that his close relatives will in any case be impoverished, but collections are made from each and every member of the tribe, who as a point of honour or from inescapable custom, must bear the brunt.

91: Thomas T-S (no date) 1932. NM2 Hadhramaut MM2

The tribes of the Central South have a poor reputation as regards the *radud-as-salaam*.[1] The *radud-as-salaam* merely means that when two persons meet, between whose tribes there is blood or other enmity, and one says to the other—"Peace be upon you" and the other replies "And upon you be peace," they have buried the hatchet for the nonce. For one now to take advantage of the other and slay him in his sleep, for instance, would in any other part of Arabia be the deepest treachery. Not so amongst this lawless brood, however. That it may happen elsewhere is possible, but normally the offender would be hounded out of his own tribe or be required to make some requital and his name would be for ever smirched. These non-Arabic speaking tribes of the Central South have no such regard for the elsewhere universal law. They also observe in the breach what is elsewhere a fixed canon, the *thamn-al-bats* or "stomach price." This is an elaboration of the law of three days' hospitality. If a Badu has eaten the salt of a man his goods are safe for a period of four days and four nights, the time for the last vestige of food to have passed from his body. If the Badu's tribe unwittingly raids the man during these four days they must and do return the loot. This *thamn-al-bats* is sacred with the other tribes of the southern fringe but not with the non-Arab group. Who and whence are these tribes? Indigenous? Of African origin? or have they a common origin with African tribes, or are none of these hypotheses tenable? Here is an almost black race of brachycephals, and brachycephaly properly belongs to Asia. The answer is for you to decide. History sheds but little light.

In the year A.D. 1325 Ibn Batuta, the great Moorish traveller and theologian, set out on his 25 years' travels through Egypt, Arabia, and Mesopotamia and elsewhere. He sojourned in Dhufar and amongst what he wrote of it was this:—"Another thing is that its people closely resemble the people of North-West Africa in their customs. . . . The outlying population is not Arab, but of a Sudanic type." Does Ibn Batuta help us?

The following discussion took place after the paper:—

Sir Arthur Keith said that Capt. Bertram Thomas had thrown light on one of the darkest anthropological corners of the world. It was now clear that the Southern Arabs were very different from the Northern Arabs—in almost every respect. If one sought to trace the affinities of the Southern Arabs by judging from their external appearances—as revealed in Capt. Thomas's photographs—one was immediately reminded of the native type of North-Eastern Africa. To his eye the Southern Arabs showed in their fuzzy hair and black—or dark brown—pigmentation of hair and skin, as well as in their facial features, distinct Hamitic or Somali-like affinities. On the other hand, Capt. Thomas's measurements of heads proved that the Southern Arabs differed from the Hamitic peoples of Africa and also from the Arabs of Northern Arabia in having skulls which were short and wide. The width of the heads of Southern Arabs was between 80 per cent. and 90 per cent. of the length. The Southern Arabs were distinctly and highly round-headed—or brachycephalic. Hamitic peoples and the Badawin (Arab) type of Northern and North-Western Arabia were usually long-headed or dolichocephalic. Thus Capt. Thomas's observations confirmed the data collected by Professor C. G. Seligman fourteen years ago that the people of Southern Arabia are round-headed or brachycephalic.

Although the Southern Arabs—who were of low stature, the men being usually about 64 inches in height—showed certain Hamitic traits in their features, yet these were overshadowed by others which proclaimed an affinity to the Caucasian or white stock of mankind. They were less fully bearded than the Northern Arab and yet more so than among Hamites. In some respects the South Arabian type bridged the difference between Semite and Hamite.

[1] It is only within comparatively recent times that the Bantuans would recognize the rubic at all.

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VI.—Orders under Acts of the Governor General in Council.

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No. **1431-I**, dated 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory; and whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death, or no suitable appliances for his execution in a decent and humane manner; Execution of capital sentences in British India.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such Superintendent or Keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this notification shall be in the form set forth in the schedule hereto annexed.

Schedule.

Form of Warrant.

To

The Superintendent or Keeper of the Jail at
in British India.

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Whereas at a trial held on the day of 189 , at (name of place), in (name of territory), before me A.B. (name of Judge), being the presiding officer of a British Court exercising in (or with respect to) territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory, C.D. (name of prisoner) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death (S and the S to be omitted when sentence said sentence has does not require confirmation been confirmed by E.F. (name of authority).);

And whereas there is in (name of territory) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

This is to authorize and require you, the said Superintendent (or Keeper), being a Superintendent (or Keeper) of a jail specified in an order under section 2 of Act No. V of 1893, passed by the Governor General of India in Council, to receive the said C.D. (prisoner's name) into your custody in the said jail together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C.D. (prisoner's name) to be hanged by the neck until he be dead, at (time and place of execution), and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 189 .

Seal.

(Signature)

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In Bombay.

No. 4220, dated the 3rd July, 1895.—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, No. 1431-I., dated the 27th April, 1893, the Governor General in Council has been pleased, by letter No. 3080-I., dated 2nd September, 1893, to authorise the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid.

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Now the Governor in Council is pleased, in pursuance of the said authorisation—

(a) to direct that the jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid; and

(b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

TABLE.

From the Court of the Political Resident, Aden,	To the Prison at Aden.
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Prohibition of import into Aden of certain goods not covered by export passes.

No. **4902-62**, dated the 7th June, 1907.—In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or land into Aden of any Goods specified in the annexed schedule, except such as are imported under cover of an export pass note issued in respect of them by an officer of customs at the place of export.

SCHEDULE.

1. Ostrich eggs.

2. Heads, horns, skins, feathers, or flesh of any of the undermentioned animals :—

(1) Zebra,
(2) Giraffe,
(3) Eland,
(4) White-tailed gnu,
(5) Wild ass,
(6) Buffalo,
(7) Elephant,
(8) Vulture,
(9) Secretary bird,
(10) Owl,
(11) Rhinoceros-bird or beef-eater (Buphaga), any species,
(12) X X
(13) Rhinoceros,
(14) All antelopes and gazelles,
(15) Cheeta (Cynoclurus),
(16) Aard-wolf,
(17) Smaller monkeys of each species,
(18) Morabous,
(19) Egret,
(20) Wild pig,
(21) Smaller cats,
(22) Wart hog (Phacocharus).
(23) Greater Bustard.

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[For British laws affecting the Aden Protectorate see category 116, entire source.]

61: Caposssa S-4 (no date) 1954 MI Middle East
NARRATIVE MS

APPLIED CUSTOM LAW

ADEN PROTECTORATE

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The only codification of water laws ever attempted in Arab countries is that found in the Mejelle Code of the Ottoman Empire. That codification, however, has no influence in the Aden Protectorate.

No general water legislation is operative over the area known as the Aden Protectorate. In each state, local custom and conditions are followed for handling the water on traditional lines. The general principle observed in the handling of flow irrigation of the flood type derived from monsoon rains is that of "first come - first served". In the case of perennial water supplies, the tendency is for the flow to be owned by the state or by individuals and for ab antiquo rights to be followed.

In the coastal areas of the Eastern Aden Protectorate, underground water is extracted through gallery systems known locally as mayans which are similar to the Persian qanat, the Baluchi karez and the Omani falaj. Following the development of such water supplies on state land, the Quaiti State retains a one-third share in the water. The location of these mayans often presents a serious problem for the judge who has to decide if any interference results or is likely to result from the construction of new systems. In all cases the ab antiquo right is given precedence.

In certain areas in the Aden Protectorate the control of runoff water which is led to terraced fields is of vital importance, and each field area has runoff water rights. In the Dathina area it has been found necessary for the local administration to prohibit the development of new lands to avoid increased competition for the available supplies of run-off water.

Recently, state decrees in the Quaiti and Kathiri States, which are advised by a British Resident Adviser, require persons who wish to extract underground water for lift irrigation by mechanical means to obtain a license to do so. This is to prevent over-pumping from the water table and to encourage the correct location of pumping units brought into the country. It is anti-

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cipated that its operation will be extended to any development of deep-seated water supplies.

ALGERIA

The Oasis of Tolga

Springs and Wells

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The system of distribution is on a time basis. The rotation period, which varies from one spring to another, is generally 14 days, and the unit of time measurement is the oudja or nouba which corresponds to the use of water for a 24-hour day. To correct the difference in the length of days and nights, alternate turns are taken.

The nouba is divided into hours, calculated from the length of the shadow cast by a human being as compared to the height of the same individual. At night, the mechkouda is used. This is a copper vase in the form of a truncated cone with a hole pierced in the lower portion and sometimes fitted with a regulatory mechanism. The mechkouda is placed in the water, and the time it takes to fill up measures an invariable unit of time. To correct seasonal differences in the length of the night, it is accepted that in the spring and autumn a time unit will correspond to eight successive immersions of the mechkouda, in the summer to seven immersions and in the winter to nine.

For the wells, the same system of time distribution is employed along with the 14-day rotation period. The unit of measurement and time selected expresses both the water rights of each proprietor and the period of time during which each owner is entitled to use the water. This time unit is independent of the physical quantity of water supplied, and even if the flow is small, the number of noubas or the right to 24 hours of water use remain the same.

The Purchase, Sale and Distribution of Water

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Such transactions are made on the basis of fictitious units and are independent of any accurate gauging of the flow or supply. Each owner or his share-cropper tenants (khamas)

to draw the bucket up and let it down again. The water is then emptied into a raised channel of clay and can be diverted into the appropriate field at will.

Villages are built on the mountains alongside the valley. The village shown in the illustration opposite is built on the very top of a 3000-foot peak, Jebel Mishwara. The houses are like the most romantic of castles set on tall pinnacled heights over the narrow wadi-bed. In the less frequented valleys you may come upon a herd of baboons moving across the hillside barking at one another; they are much disliked as they make raids on the crops.

The organization of these highland communities, which are independent and difficult to control, is most complex. The tribe is subdivided into branches (*fakhidah*), numbering perhaps a hundred rifles, perhaps fifteen. Sometimes several tribes form a confederation bound loosely together under a paramount chief who has a greater or lesser degree of authority. Chieftainship is hereditary. In the Aden Protectorate larger groups are sometimes under the authority of a Sultan or an Amir. These Sultans are of the ancient nobility which often goes back to pre-Islamic times, some 1500 years ago, and generally reside in a central market town. Such are the Sultans of the 'Awdhalis, the 'Awlaqis, the Fadhlis of Shuqra, and of course the 'Abdali Sultan of Lahej near Aden. Tribal law is extensive and involved, with fixed penalties for every offence or transgression on a neighbour's rights. Relations between the tribesmen and the Sultans are also defined by custom. Cases involving tribal law are heard by the Sultan or his representative, or in tribal confederations, by the sheikhs. This tribal law, which is generally unwritten, consists of traditional judgments and penalties. I was fortunate enough to secure a copy of the traditional law of the 'Awdhalis when in Qubaidhah, but this was one of the rare instances when the law had been written.

In most cases the actual authority of the Sultan extends little further than a certain radius around his residence. He taxes the people where he can, often disproportionately to their little wealth, and maintains a number of soldiers, irregular and often hereditary *'askar*, as they are called, who hold a certain amount of land rent-free, and receive allow-

[See category 116, p. 68 -- Analyst]

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1
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ADEN COLONY

A 631 162 228 Aden Colony also includes Perim Island which is administered by an Administrator who is also the Commissioner of Police, Aden. The population of the island is 381. The majority of the islanders are fishermen, and dried fish is exported to Aden. In the past there has been pearl fishing, but this year no pearl fishing contract was taken. There is a small police detachment in the island together with medical and lighthouse staff.

A 206 Up to the end of 1948, Cable & Wireless Ltd. maintained communication with Perim by marine cable. The cable became unserviceable in 1948, and it was decided not to repair it. It is likely that communication will soon be established by wireless. A R.A.F. airplane makes a flight to the island once weekly and carries mail and passengers from Aden.

H 631 642 A 643 The Governor of the Colony is also Governor of the Aden Protectorate, which is not administered by the Colony Government. There is no one Government for the Aden Protectorate; various Rulers and Chiefs are in protective treaty relations with His Majesty's Government. In each of the Western and Eastern Protectorates the Governor is represented by a British Agent.

A 692 The Protectorate includes the island of Socotra.

671 H 692 The administration of justice within the Colony is entrusted to the Supreme Court, a Court of Small Causes for certain specified civil cases and Magistrates' Courts for criminal cases. The law of the Protectorate is largely tribal custom, but in certain chiefdoms the Shari' a code of Muslim law is recognised, especially in the Qu'aiti State of Shihr and Mukalla (ruled by His Highness Sultan Sir Salih bin Ghalib al Qu'aiti K.C.M.G.), which State legislates by published decrees.

LOCAL GOVERNMENT

A 631 652 There are two local government bodies in the Colony: the larger is known as the Fortress Township Authority and the area governed embraces the Isthmus and Peninsula with a civilian population estimated to be 70,000. This area includes the Military and the R.A.F. establishments. The other is known as Sheikh Othman Township Authority and takes its name from the built-up township of 21,000 persons, all non-Europeans, situated some four miles from the Isthmus. The area governed includes this Township and the remainder of the Colony in which are to be found four small coastal villages whose inhabitants number approximately 2,500.

A 666 642 In 1949 the principle of election was first introduced into the constitution of the Fortress Township Authority, so as to provide three elected members in addition to the existing four nominated official and three nominated unofficial members. In Crater ward there were elections, resulting in the success of one Arab merchant and one Pakistani advocate who was previously a nominated member of the Authority. In the other ward objections were raised against two Arab candidates, who were found not to be of British birth, and a

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden
Hadhramaut mm2

631 missioners) and Qaims (Assistant District Commissioners) of the provinces and districts. Naibs were provided with motor vehicles to increase their mobility. An annual conference of all Quaiti, Kathiri and Wahidi Naibs and Qaims has been instituted, at which lectures and practical demonstrations in all administrative subjects are given by local experts.

631 621 Another significant step towards devolution of duties on to Naibs and Qaims has been the setting-up of village councils under their direction and supervision. The activities of these councils include village welfare, hygiene, sanitation, increase of food production, etc. The Sultan of Qu'aiti State has also nominated a Municipal Council for Mukalla.

643 631 The period under review was also notable for increased co-operation in administrative affairs between Qu'aiti and Kathiri and for the settlement of problems common to these two States. The Qu'aiti and Kathiri State Secretaries and senior officials met several times during 1949 and 1950 and joint decisions were taken on such matters as local import and export taxes, development tax on date-bearing palms, postal affairs, remittances from abroad, famine relief and prevention, and unification of vehicle licences.

[665] 578 With the retirement of Sheikh Seif bin Ali Elbually, C.B.E., from the post of State Secretary to the Qu'aiti Government, in December, 1950, and the appointment of Sheikh Qaddal Sa'id El Qaddal Pasha, M.B.E., formerly Qu'aiti Director of Education who is a Sudanese, as his successor, the so-called Nationalist Party, whose membership does not extend beyond Mukalla Town, seized the opportunity to foment serious rioting, in the quelling of which 16 persons were killed and 24 wounded. Suitable sentences were dealt out to the ringleaders by the Special Court set up by the Sultan to try the offenders. The new State Secretary has been warmly welcomed into the office by all the responsible citizens and officials of the Qu'aiti State in Mukalla and throughout the Provinces.

643 The Kathiri Sultan Ja'far bin Mansur bin Ghalib died on 24th April, 1949, and was succeeded by his nephew Sultan Hussein bin Ali bin Mansur al Kathiri, who was recognised by His Majesty's Government as Treaty Sultan on 22nd May, 1950.

671 During 1950 codified criminal law based on Sharia was introduced in the Qu'aiti State.

Beduin Affairs

631 721 *Wahidi Area.* As a result of the operations against the Khadim of Mithaf and the Al Adhm Tribe in January and February, 1950, the whole Dhiyeibi area came under the Sultan of Balhaf and security posts were established on the western border of the Eastern Aden Protectorate.

In July, 1950, a successful operation was undertaken against Al Ba Dukhn for breach of the peace and the tribe was brought under complete control

30: Gt. Britain G-5 (ca. 1918) 1920 MJ1 Saudi Arabia
Hadhramaut MM21

The tribesman forms the real fighting strength of the Sultanate, and provides his own weapons, drawing ammunition—or its equivalent in cash—from the Sultan, when on state service. His hardihood, activity, and keen sight make him a formidable opponent. He has a natural aptitude for scouting and possesses remarkable powers of endurance, being independent of much transport, whilst the constant friction along the tribal borders engenders a high state of combatant training. The Sultan frequently uses one tribe to fight another as a punishment for raiding, but he cannot claim tribal service against tribal interests; any real emergency, however, will bring the tribesmen in. Individuals and small detachments will serve an alien for pay beyond the limits of their tribeship.

The tribesmen are really civilians (a term used for want of a better, though this word does not exactly translate the Arabic word *rawi*, plural *raya*), but prepared at a moment's notice to leave flocks and camels, farms or pasture, or trekking, when danger threatens clan, tribe, or Sultanate. They give no regular military service under any condition, nor do they practise the use of weapons, but content themselves with the reluctant payment of a tax and the unavoidable imposts of the Government that guards their lives and property. They may be divided into the following classes: merchants, of more or less influence and wealth; mechanics and artisans; the '*hejris*' or freed serfs, usually attached to some chief as agricultural labourers or to some master craftsman; and lastly, and lowest in the social scale, the slaves, the males serving as retainers or subordinate husbandmen and the females as domestic servants or attendants on children. The latter class, however, are slaves only in name, having usually their own *menage*, and they remain in one family from generation to generation; they are mostly Swahilis and Nubians. One other class needs passing mention—the *shāhids* or bards, whose duty, in the exercise of their profession, is to stimulate the tribal standard of chivalry by heroic strains of former prowess, or with stinging satire to lash a slothful ruler to martial vigour. When belligerent tribes are set in battle, it is the *shāhids* on either side who urge the courage of the combatants.

In religion two schools of the Sunni creed—the Hanifi (or philosophic school) and the Shafei—are followed, the latter, the nearest to the early Islamic tradition, being the more general. The practice of religion varies, of course, in different districts, and among some of the nomad races it is little more than a name. Speaking of religious observance among the people of this region as a whole, Bury says: 'The laity, while fanatical to the verge of

30: Gt. Britain G-5 (ca. 1918) 1920 MJ1 Saudi Arabia
Hadhramaut MM2

Of governmental administration as a whole, in spite of the comparative homogeneity of the region, there is none, in the usually accepted sense of the term. The tribal lords have no care for what are considered in Europe the duties of government. Education, police, and public works are left entirely to private initiative, and as a result the two last are almost entirely non-existent. Instruction alone flourishes, and that only among the Seyyids and townsmen. There are some schools for so-called primary, secondary, and higher instruction; in the two former the teaching is almost exclusively confined to language, grammar, and religion. The chief centre of higher instruction is at Seyyūn, where the Academy, known by the name Ribāt, is a sort of annexe to the Great Mosque; here there are about 100 students who receive free board and lodging and 300 outside students who pay fees of varying amounts. The teaching is confined to the intensive study of grammar, law, and theology, to the almost entire exclusion of the so-called modern sciences, astronomy (as interpreted by the Arabs) alone excepted. The study of medicine, among others, is entirely non-existent.

As for Law and Magistracy, the influence of the Seyyids is a powerful curb on any oppression by the Muqaddams or tribal lords, and in the Hadhramaut there is a sufficiently independent magistrature. The Seyyids have the greatest interest in seeing that the Mussulman law is honoured and respected, because the law and religion are one: the decadence of religion would inevitably bring about the loss of that superstitious respect which the people have for them as descendants of the Prophet.

Each town or village of any importance has a *Qādhi*, with a sub-Qādhi for the country district round about. The Qādhis are nominated by the Muqaddams, but the latter consult the Seyyids and renowned savants before fixing on their choice; sub-Qādhis are nominated by the Qādhis. The Qādhis have both civil and criminal jurisdiction, and base their decisions on the works of jurists of the Shafei rite. Judgements must be drawn up in writing and signed and sealed by the Qādhi who has delivered them, but can only be put into execution on authorization by the Muqaddam, who, however, uses his veto but rarely. The jurisdiction of the sub-Qādhis is limited to marriage and other acts of family life, the majority of the inhabitants of the country rarely having recourse to the judge in their other affairs. Differences between persons of the same family are in general adjusted by the Abu, and differences between persons belonging to different families by the Muqaddam. In the latter cases, failing accord, justice is settled